

ADJOURNMENT

On motion of Senator Brooks the Senate at 11:55 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(February 16, 1981)

S.C.R. 33
S.B. 71

Signed by Governor
(February 13, 1981)

S.B. 58	Effective immediately
S.B. 209	Effective immediately
H.C.R. 46	
H.C.R. 47	

TWENTY-FIRST DAY

(Tuesday, February 17, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, remind us that money can't talk unless it's used to hush us up. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 17, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 25, In memory of Mr. Hugh Birt Steward.

H.C.R. 63, In memory of Judge A. S. Broadfoot.

All necessary rules suspended and the Conference Committee Report on **S.B. 143** adopted by record vote of 131 Ayes, 0 Nays, 2 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHOR OF SENATE BILL 405

On motion of Senator Brooks and by unanimous consent, Senator Andujar will be shown as Co-author of **S.B. 405**.

CO-AUTHOR OF SENATE BILL 489

On motion of Senator Brooks and by unanimous consent, Senator Andujar will be shown as Co-author of **S.B. 489**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 11

On motion of Senator Mengden and by unanimous consent, Senator Leedom will be shown as Co-author of **S.J.R. 11**.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 84 (Amended)
S.B. 173 (Amended)
S.B. 200 (Amended)

Senator Sarpalius, Acting Chairman, submitted the following report for the Committee on Human Resources:

S.B. 89 (Amended)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 365
S.B. 387
S.B. 369

GUEST PRESENTED

Senator Brooks was recognized and presented Dr. Charles E. Bishop, President, University of Houston System.

Dr. Bishop was seated at the President's Rostrum and was welcomed as a guest of the Senate today.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 310, To Committee on State Affairs.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 595 by Mauzy Intergovernmental Relations
Relating to the authority of commissioners courts in certain counties to charge admission fees to county-operated museums, historical sites, or historical buildings.

S.B. 596 by Parker, Ogg Intergovernmental Relations
Relating to the creation or reorganization of certain judicial districts and to the creation, duties, and compensation of prosecuting attorneys for certain districts; relating to the composition of certain juvenile boards and to the jurisdiction of and other provisions for certain county and district courts.

S.B. 597 by Andujar Human Resources
Relating to financing the purchase of technological aids for visually handicapped persons and authorizing the charging of interest; adding a new Section 91.032 to the Texas Human Resources Code; and declaring an emergency.

S.B. 598 by Farabee Jurisprudence
Relating to penalties for repeat and habitual offenders.

S.B. 599 by Santiesteban Finance
Relating to the administration and collection of liquefied gas taxes.

S.B. 600 by Traeger State Affairs
Relating to the regulation of utilities.

S.B. 601 by Brown Natural Resources
Relating to standards for testing solar energy devices.

S.B. 602 by Sarpalius Natural Resources
Relating to certification of pesticide applicators.

S.B. 603 by Caperton Intergovernmental Relations
Relating to the creation of the County Court at Law No. 2 of Montgomery County and the jurisdiction and compensation of the judge of the County Court at Law No. 1 of Montgomery County.

S.B. 604 by Doggett Human Resources
Relating to continuation of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids and regulation of the fitters and dispensers of hearing aid devices.

S.B. 605 by Wilson, Doggett State Affairs
Relating to application of the Public Utility Regulatory Act to small power producers and cogenerators of electricity.

S.C.R. 37 by Blake Administration
Directing the State Department of Highways and Public Transportation to limit issuance of "State Official" license plates to certain officials and limiting number of sets issued.

S.C.R. 38 by Traeger State Affairs
Memorializing Congress to repeal the federal law setting a maximum speed limit on public highways of 55 miles per hour.

SENATE RESOLUTION 258

Senator Truan offered the following resolution:

S.R. 258, Proclaiming February 15, 1981, through February 21, 1981, as LULAC Week.

The resolution was read.

On motion of Senator Ogg and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted.

GUESTS PRESENTED

Senator Truan was recognized and escorted Mr. Raul Vasquez, State President of LULAC and Ms. Noemi Villarreal, Deputy State Director of LULAC to the President's Rostrum.

The President presented enrolled copies of Senate Resolution 258 to Mr. Vasquez and Ms. Villarreal and welcomed them as guests of the Senate today.

GUEST PRESENTED

The President introduced former State Senator Kent Hance, now serving in Congress from the 19th Congressional District.

Congressman Hance addressed the Senate.

SENATE RESOLUTION 265

Senator Farabee offered the following resolution:

WHEREAS, The Honorable Temple Houston Shell, former 78th District Judge and one of the state's ablest administrators of justice, died July 15, 1979,

and his death brings a great sense of sadness and loss to the many people throughout the state who knew this distinguished individual and respected him for his great integrity and his tremendous sense of dedication to truth and the legal profession; and

WHEREAS, Born July 7, 1902, in Montague, Texas, Judge Shell moved to Wichita Falls in 1907, and except for the time he spent earning his law degree from Cumberland Law School, this fine Texan spent most of his life in Wichita Falls raising a family and creating a busy and successful career as a prominent jurist; and

WHEREAS, This exceptional gentleman devoted much of his career to public service as he capably filled the positions of assistant county attorney from 1937 to 1940 and county attorney from 1941 to 1944; on January 1, 1945, he began his long and proud tenure as 78th District Judge, a position he held with honor and distinction until December 31, 1968; and

WHEREAS, As a respected member of the Wichita County Bar Association, the State Bar of Texas, and the State Judicial Section of the State Bar of Texas, Judge Shell stayed active in his professional field, keeping up with the latest developments in law with his membership in these organizations; and

WHEREAS, Aside from the vast responsibilities of his position, this concerned individual devoted some of his valuable time working with the community's young people; Judge Shell served as a longtime active Scouter, signing the original charter of Troop 1 of the Boy Scouts of America in 1916 and serving as the chairman of the board that reviewed all applications for Eagle Scout; and

WHEREAS, Admired for his dedication to this state and respected for his wisdom and honesty, Judge Temple Houston Shell will long be remembered by those he faithfully served and by his many friends throughout the state; now, therefore, be it

RESOLVED, That the Senate of the 67th Legislature of the State of Texas hereby join the family and many friends and associates of Judge Temple Houston Shell in mourning his death and offer deep sympathy to his daughter, Mrs. June Mengden of Houston, wife of State Senator Walter Mengden; and, be it further

RESOLVED, That official copies of this resolution be prepared for members of his family and that when the Senate of the State of Texas adjourns this day it do so in memory of the Honorable Temple Houston Shell.

FARABEE
MENGDEN

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUEST PRESENTED

Senator Farabee was recognized and presented to the Members Mrs. June Mengden, daughter of the late Judge Shell and wife of Senator Walter Mengden.

SENATE RESOLUTION 266

Senator Farabee offered the following resolution:

S.R. 266, In memory of Olson Andrew Sweat.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Farabee presented Mrs. Olson Sweat, Mr. and Mrs. Olmon Sweat, Mr. and Mrs. Ross Hise and Laura and Paul Hise.

HOUSE CONCURRENT RESOLUTION 25

The President laid before the Senate the following resolution:

H.C.R. 25, In memory of Mr. Hugh Birt Steward.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 63

The President laid before the Senate the following resolution:

H.C.R. 63, In memory of Judge A. S. Broadfoot.

The resolution was read.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted.

COMMITTEE SUBSTITUTE**HOUSE CONCURRENT RESOLUTION 21 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

C.S.H.C.R. 21, Directing the Texas Department of Health to temporarily suspend licensing of new radioactive waste management sites.

The resolution was read second time.

Senator Caperton offered the following amendment to the resolution:

Amend Committee Substitute H.C.R. 21 to read as follows:

HOUSE CONCURRENT RESOLUTION

WHEREAS, Effective management of radioactive waste has become significantly more difficult during the past few years as the quantities of the waste have increased and as the number of responsible management facilities has decreased; and

WHEREAS, Texas law governing nuclear and radioactive materials, Article 4590f, Vernon's Texas Civil Statutes, and regulations of the Texas Department of Health are not sufficient to ensure effective regulation of radioactive waste processing and storage; and

WHEREAS, Committees of both houses of the Texas Legislature have recommended amending Article 4590f to provide a new legal basis for regulation of radioactive waste in Texas; and

WHEREAS, In order to assure protection of the public health and welfare, the licensing of new radioactive waste management sites in Texas should be suspended until after this legislature has had an opportunity to provide further legislative directives to the Texas Department of Health; and

WHEREAS, If new legislation is not enacted, the Texas Department of Health should nevertheless issue new, more effective regulations governing the operation of radioactive waste management facilities; and

WHEREAS, The operation of new radioactive waste management facilities will not be significantly delayed if licensing activities of the Texas Department of Health are suspended pending review of the laws by the legislature and pending the issuance of new regulations by the Texas Department of Health; now, therefore be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 67th Legislature hereby direct the Texas Department of Health to suspend the licensing only of new commercial radioactive waste management sites until the effective date of new radioactive waste management legislation passed by this legislature or if no new legislation is passed until June 1, 1981, and, be it further

RESOLVED, That the Texas Department of Health issue new regulations based on revision of Article 4590f, V.T.C.S., or other legislation enacted by this legislature relating to the processing or storage of radioactive waste, and that the new regulations be in force as soon as possible after the effective dates of any new laws; and, be it further

RESOLVED, That if this legislature does not enact new law relating to radioactive waste management, the Texas Department of Health is directed to review Article 4590f, V.T.C.S., and agency regulations based on that law and to issue new, more effective regulations, which would be in force as soon as possible ~~prior to~~ after June 1, 1981; and, be it further

RESOLVED, That the secretary of state forward official copies of this resolution to the commissioner of health and to each member of the Texas Board of Health as an expression of the sentiment of the Legislature of the State of Texas.

The amendment was read and was adopted.

The resolution as amended was then adopted.

SENATE BILL 12 ON SECOND READING

On motion of Senator Short and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 12, Relating to payment of court-appointed counsel by a county in certain criminal proceedings and by the state in capital cases.

The bill was read second time and was passed to engrossment.

SENATE BILL 12 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 12** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 37

H.C.R. 50

H.C.R. 15

H.C.R. 48

COMMITTEE SUBSTITUTE SENATE BILL 191 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 191, Relating to state health-care planning, certificate of need requirements and enforcement, and authorization for certain health-care projects; amending the Texas Health Planning and Development Act, as amended (Article 4418h, Vernon's Texas Civil Statutes), by amending Sections 1.02, 1.03, 1.04, 1.07, 1.08, 2.01, 2.03, 2.06, 2.10, 2.11, 3.01, 3.03, 3.04(b), 3.10(c), 3.11(d), 3.12, 3.13, 3.14, 4.01, 4.02, and 4.05 and by repealing Sections 3.02, 6.01, 6.02, and 6.03. (Submitted by Governor as an emergency)

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend Section 2, Subsection (9) of the Committee Substitute for Senate Bill 191 by deleting the words "rural health initiative clinic" and "urban health initiative clinic" on line 5 of page 2 of the bill as printed.

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Vale, Williams.

Nays: Doggett, Snelson, Truan, Wilson.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 191 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.B. 191 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Truan.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 261 - By Doggett: Memorial resolution for Leon Ellington Cashaw.

S.R. 263 - By Doggett: Memorial resolution for Winfred Berry.

S.R. 264 - By Doggett: Memorial resolution for Emma Jane Hill Bright.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 262 - By Doggett: Extending congratulations to Dr. Emmie Craddock.

S.R. 267 - By Glasgow: Extending welcome to Jan Foster as an Honorary Page.